UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

MARILYN D. POWELL AND HEIRS, MATTIE AMOS AND HEIRS, AND RUSSELL C. AMOS Plaintiffs/Appellants, \mathbf{v} . CIVIL ACTION NO. H-07-2679 M&N RESOURCES, PIERCE DALTON NUNLEY, SUSAN MOODY NUNLEY, JOHN D. MOODY, LESTER JOEY DUREL, ROBERT "SKIP" SUTTER, IP PROPERTIES, ATTORNEY LARYSSA KORDUBA, MELANIE RICHARD, AND **CAROL LOUIS** Defendants/Appellees.

MEMORANDUM AND ORDER

On September 28, 2007, Appellants filed a Motion for Default Judgment, Doc. No. 15, alleging that "none of the defendants [have] filed a response to plaintiff's Appeal." Pursuant to FED. R. CIV. P. 58(a), this appeal was dismissed with prejudice on September 24, 2007. Appellants' request for default judgment is therefore moot.

IT IS SO ORDERED.

SIGNED at Houston, Texas, on this the day of October, 2007.

KEITH P ELLISON

UNITED STATES DISTRICT JUDGE